

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

CORNELIUS SLADARIU,

Defendant and Appellant.

C059612

(Super. Ct. Nos.  
CM024312, CM024833,  
CM024874)

In August 2006, pursuant to a negotiated settlement in Butte County Superior Court, defendant Cornelius Sladariu pled as follows: In case No. CM024312, no contest to transportation of methamphetamine and to driving under the influence of alcohol or drugs with a similar such prior conviction. He admitted having served two prior prison terms. In case No. CM024833, no contest to receiving stolen property. In case No. CM024874, no contest to failure to appear.<sup>1</sup>

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<sup>1</sup> Charges dismissed with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754 were possession of methamphetamine, being

Defendant was sentenced to state prison for seven years four months--the upper term of four years for the transportation offense; consecutive effective terms of eight months for the receiving stolen property and failure to appear offenses; and two years for the prior prison terms.

Defendant appealed. We affirmed the convictions but vacated the sentence and remanded for resentencing because the trial court had used defendant's prior prison terms to both impose the upper term and to enhance that sentence. We also observed that while the court could have used as an aggravating factor that defendant had a "'pattern of regular and increasingly serious criminal conduct,'" the court had not done so, but only used that factor when it explained why it was denying probation.

In July 2008, the court imposed the same sentence, but this time included the fact that "he does have a pattern of regular and increasingly serious criminal conduct."

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have

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under the influence of methamphetamine, and deceptive government document activity (false driver's license).

elapsed, and we have received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

**DISPOSITION**

The judgment is affirmed.

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CANTIL-SAKAUYE, J.

We concur:

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RAYE, Acting P. J.

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BUTZ, J.